



Probate Sale Process

- Power of Sale: Will contains power of sales clause.
- No Power of Sale: No power of sale in Will or no Will.
- Notice of Sale: Sale of real property must be published (attorney to prepare)..
- IAEA Powers: Personal representative has full IAEA powers.
- Limited IAEA Powers: Personal representative has limited IAEA powers if so, attorney must mail Notice of Proposed Action Re Intent to List Property
- Property Specifically Bequeathed: If so, contact attorney
- Appraisal: Check Appraisal report
- Exclusive Listing Agreement: Consider exclusive listing agreement.

Sign Listing Agreement

- Full IAEA Powers: Sign exclusive right-to-sell list agreement without giving notice. (Do not need order authorizing execution of exclusive right-to-sell listing agreement)
- Limited IAEA Powers: Contact attorney to obtain order authorizing execution of exclusive right-to-sell listing agreement.

Market Property & Accept Offer

- If Sold Using Full IAEA Power: Notice of proposed actions must be sent to heirs/beneficiaries before escrow can close.
- If Sold Using Limited IAEA Powers: Court confirmation required.

Close Escrow

- If IAEA Sales: Escrow will need executor's/administrator's deed, copy of Notice of Proposed Action and attorney opinion letter. Escrow may also require certified copies of proof mailing notice of Proposed Action Order for Probate and Letters.
- If Court Confirmation: Escrow will need executor's/administrator's deed and certified copy of order confirming sale.